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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,968	03/31/2005	Christoph Weis	SMB-PT131 (PC 03 298 B US	6272
3624 7590 04/17/2009 VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER CERNOCH, STEVEN MICHAEL	
			ART UNIT 3752	PAPER NUMBER
			MAIL DATE 04/17/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/529,968

**Applicant(s)**

WEIS ET AL.

**Examiner**

STEVEN CERNOCH

**Art Unit**

3752

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15, 16 and 18-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The objection of the specification made in the office action dated 10/23/2008 for new matter is now withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 16 and 18-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Aghnides et al. (US Pat No 4,534,514).

Regarding claim 15, Aghnides et al. teaches a sanitary outflow armature (Fig. 2, 208) comprising a liquid guide that opens into a fitting outlet (200), in an area of which a plumbing functional unit in the form of an insertion cartridge (234) is provided, wherein an inner diameter of the liquid guide is adapted to the insertion cartridge at least in an opening area of the fitting outlet, and the insertion cartridge is inserted into the fitting outlet from an opening side and is held removably (column 5, lines 39-40) therein by a sleeve-shaped intermediate holder (210) at least a predominant portion of a longitudinal extension of the insertion cartridge is received within the fitting outlet (column 5, line 45).

With regard to claim 16, Aghnides et al. teaches wherein the insertion cartridge (Fig. 2, 234) is situated with the longitudinal extension thereof completely in the fitting outlet so that only an outflow end surface is directly visible (column 5, line 45).

Regarding claim 18, Aghnides et al. teaches wherein the intermediate holder (Fig. 2, 210) that can be placed into the fitting outlet from the opening side is held removably or non-removably in the fitting outlet (column 5, lines 39-40).

With regard to claim 19, Aghnides et al. teaches wherein the insertion cartridge or intermediate holder can be inserted into the fitting outlet up to an insertion stop (Fig. 2, 216).

In regards to claim 20, Aghnides et al. teaches wherein the intermediate holder is held in the fitting outlet by at least one of a glued, clamped, locking, and screw connection, and/or by at least one of pressing, clutching, and wedging (column 5, lines 39-40).

Regarding claim 21, Aghnides et al. teaches wherein the intermediate holder is sealed peripherally against an inner peripheral wall of the fitting outlet (Fig. 2, 218).

With regard to claim 22, Aghnides et al. teaches wherein the insertion cartridge (Fig. 2, 234) is held in the intermediate holder (210) by a clamped, locking, or screw connection (250).

In regards to claim 23, Aghnides et al. teaches wherein the insertion cartridge (Fig. 2, 234) is sealed against (248) the intermediate holder (210) which is in turn sealed against an inner peripheral wall of the fitting outlet (218).

Regarding claim 24, Aghnides et al. teaches wherein at least one annular seal (248) is provided for a seal between the insertion cartridge (234) and the intermediate holder (210) on the one hand and the sanitary outflow armature on the other hand (218).

With regard to claim 25, Aghnides et al. teaches wherein the intermediate holder (Fig. 2, 210) has an outer thread that can be screwed into an inner thread in the fitting outlet (column 5, lines 39-40), and the outer thread and the inner thread are dimensioned and situated such that when the intermediate holder is screwed into the fitting outlet, the threads initially engage one another in a relative position of the Sanitary outflow armature on the one hand and the intermediate holder on the other hand in which the annular seal (218) provided on an outer periphery of the intermediate holder does not yet make frictional contact with the Sanitary outflow armature.

In regards to claim 26, Aghnides et al. teaches wherein the insertion cartridge comprises a multi-part cartridge housing (Fig. 2, 208), and a clamping, locking, and/or screw connection is provided on a housing part of the cartridge housing (column 5, lines 39-40), situated at a flow outlet side, for the fastening of the cartridge housing in the fitting outlet.

Regarding claim 27, Aghnides et al. teaches wherein the cartridge housing of the intermediate holder has a contoured outer periphery and/or a contoured outflow end surface, constructed as a tool engagement surface for an insertion tool (column 10, lines 44-58).

With regard to claim 28, Aghnides et al. teaches wherein the outflow end surface of the cartridge housing of the intermediate holder has a contouring made up of projections and recesses (Fig. 2, 242, 250), such that the recesses of the insertion cartridge held in the intermediate holder act as a tool engagement surface for the projections of another cartridge housing that can be used as an insertion tool, and/or of another intermediate holder (column 10, lines 44-58).

In regards to claim 29, Aghnides et al. teaches wherein the insertion cartridge (Fig. 2, 234) and the intermediate holder (210) are connected in one piece with at least one seal (248) that forms a seal between the insertion cartridge and the intermediate holder on the one hand and the Sanitary outflow armature on the other hand (Fig. 7, 524).

Regarding claim 30, Aghnides et al. teaches wherein the seal (Fig. 2, 248), and the component of the insertion cartridge (234) and the intermediate holder (210) connected in one piece with the seal, are made of the same material, at which point, the art of record does not indicate to the contrary therefore examiner concludes they are the same material.

With regard to claim 31, Aghnides et al. teaches wherein at least one of the outflow-side final edge area of the insertion cartridge and of the intermediate holder is fashioned as a sealing profile (Fig. 5, 522 & 546).

In regards to claim 32, Aghnides et al. teaches wherein the sealing profile has at least one surface seal (Fig. 5, 510) and at least one lip seal (Fig. 5, 524).

Regarding claim 33, Aghnides et al. teaches wherein the insertion cartridge and/or the intermediate holder has at a flow inlet side an insertion stop (Fig. 2, 216) that in its position of use limits a deformation of the sealing profile (218).

With regard to claim 34, Aghnides et al. teaches wherein the sealing profile has at least one seal having a sealing profile base that is formed as an insertion stop (Fig. 2, 216).

In regards to claim 35, Aghnides et al. teaches wherein the insertion stop (Fig. 2, 216) is situated adjacent to the sealing profile in a radial direction (218).

Regarding claim 36, Aghnides et al. teaches wherein at least one of the sealing profile (Fig. 2, 218) and the insertion stop (216) work together with a counterstop (220) on an inner periphery of the Sanitary outflow armature that limits the inner diameter of the liquid guide.

With regard to claim 37, Aghnides et al. teaches wherein the sealing profile has at least one annular peripheral sealing lip (Fig. 8, 632).

In regards to claim 38, Aghnides et al. teaches wherein the sealing profile has at least two annular peripheral sealing lips that become effective one after the other with increasing insertion pressure that acts on the insertion cartridge and/or on the intermediate holder (Fig. 11, 706 & 707).

Regarding claim 39, Aghnides et al. teaches wherein the sealing lips have different heights (Fig. 11, 706 & 707).

With regard to claim 40, Aghnides et al. teaches wherein the sealing lips have stepped heights (Fig. 11, 706 & 707).

***Response to Arguments***

Applicant's arguments filed 1/23/2009 have been fully considered but they are not persuasive. While applicant is in fact arguing the amendment, the art of record does in fact show an insertion cartridge (figure 2, numeral 234) that differs from that of an intermediate holder (numeral 210).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN CERNOCH whose telephone number is (571)270-3540. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571)272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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/S. C./  
Examiner, Art Unit 3752

/Len Tran/  
Supervisory Patent Examiner, Art Unit 3752